

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 FREDERICK H. SHULL, JR.,

4 Plaintiff

5 v.

6 THE UNIVERSITY OF QUEENSLAND,
7 THE OCHSNER MEDICAL GROUP,
8 GEOFF McCOLL, LEONARDO SEOANE,
9 THE U.S. DEPARTMENT OF EDUCATION
via THE SECRETARY OF THE U.S.
DEPARTMENT OF EDUCATION,

10 Defendants

Case No.: 2:18-cv-01781-APG-PAL

**Order (1) Denying Application to Proceed
In Forma Pauperis, and (2) Confirming the
Court Will Not Entertain the TRO Motion
on an Ex Parte Basis**

[ECF Nos. 1, 3, 4]

11 Plaintiff Frederick H. Shull, Jr. filed a motion for leave to proceed in forma pauperis
12 (IFP). ECF No. 1. He subsequently withdrew that motion and paid the \$400.00 filing fee. ECF
13 Nos. 4, 5. Therefore, the IFP motion (ECF No. 1) is denied as moot.

14 Attached to Shull's motion is an *ex parte* motion for a temporary restraining order and
15 preliminary injunction. ECF No. 1-1. On September 17, 2018, I entered an order pointing out
16 the deficiencies in that motion. ECF No. 3. For instance, nothing in the motion justifies entering
17 an injunction without notice to the defendants. In addition, Shull still has not filed a complaint to
18 support his request for injunctive relief.

19 Shull responded to my order by claiming he previously notified the defendants that he
20 would file a civil suit if his demands were not met. ECF NO. 4 at 3-4. But that is different than
21 serving the defendants with actual notice of a pending motion. And there still is no reason to
22 enter relief without first telling the defendants that they have, in fact, been sued and giving them
23 copies of all of the papers filed in this case. In addition, as I said in my prior order, the requested

1 relief cannot be granted absent a filed complaint. I will consider the motion only after a
2 complaint has been filed and the defendants have been properly served.

3 IT IS THEREFORE ORDERED that plaintiff Frederick Shull's IFP motion (**ECF No. 1**)
4 **is DENIED AS MOOT.**

5 IT IS FURTHER ORDERED that Shull shall file a complaint, and he shall serve on the
6 defendants the summonses, complaint, and all papers filed in this case including this order, as
7 required under the applicable Federal Rules of Civil Procedure. Shull shall also file a certificate
8 confirming proper service of those documents on the defendants.

9 DATED this 24th day of September, 2018.

10
11 
12 _____
13 ANDREW P. GORDON
14 UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23